

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1096, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 5, between lines 1 and 2, begin a new paragraph and insert:
- 2 "(g) A closing agent, as defined in IC 6-1.1-12-43(a)(2), is not
- 3 liable for any damages claimed by the property owner or contract
- 4 purchaser because of:
- 5 (1) the closing agent's failure to provide the written statement
- 6 described in subsection (b);
- 7 (2) the closing agent's failure to file the written statement
- 8 described in subsection (b);
- 9 (3) any omission or inaccuracy in the written statement
- 10 described in subsection (b) that is filed with the county
- 11 recorder by the closing agent; or
- 12 (4) any determination made with respect to a property
- 13 owner's or contract purchaser's eligibility for the deduction
- 14 under section 1 of this chapter.
- 15 (h) The county recorder may not refuse to record a mortgage,
- 16 contract, or memorandum because the written statement described
- 17 in subsection (b):
- 18 (1) is not included with the mortgage, contract, or
- 19 memorandum;
- 20 (2) does not contain the signatures required by subsection (b);
- 21 (3) does not contain the information described in subsection

1 **(e); or**

2 **(4) is otherwise incomplete or inaccurate."**

(Reference is to HB 1096 as reprinted February 21, 2009.)

and when so amended that said bill do pass .

Committee Vote: Yeas 11, Nays 0.

Senator Hershman, Chairperson